IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.822 OF 2006

Rohit Pramod Chavan & anr. Petitioners

versus

Pramod Jayawant Chavan & ors. Respondents

Mr.A.JU.Almeida for petitioners.

Mr.V.C.Ghosalkar for respondent no.1.

Mr.V.P.Sawant for respondent no.10.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 15th February 2006

PC :

1. By this petition the petitioners challenge the action of the Special Recovery Officer and respondent no.8 Bank in initiating coercive measures to recover the amount due and payable to it from respondent no.1.

2. In proceedings for execution of the recovery certificate, attachment has been levied on the immovable property and a claim made by the Mother of two minors who are before me, has been

rejected by the Special Recovery Officer. In terms of the provisions contained in Rule 107(19) of the Maharashtra Co-operative Societies Rules, 1961 a suit has been filed by the petitioners herein on the Original Side of this Court and application for interim reliefs taken out is pending.

3. The petition can conveniently be disposed of in the light of the statement made by Shri Ghosalkar on instructions that for a period of two weeks from today respondent no.8 will not initiate coercive measures. In the light of this statement, the petition does not survive. Petitioners are at liberty to take out such proceedings in the pending suit or otherwise as are permissible in law.

4. All contentions on merits of both sides are expressly kept open.

(S.C.DHARMADHIKARI, J.)